

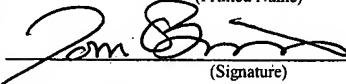


12-31-07

Atty. Dkt. No. 045710-0139

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Andrew A. WOLFF  
Title: Sustained Release Ranolazine Formulations  
Appl. No.: 10/614,460  
Patent No. 6,864,258  
Filing Date: 07/07/2003  
Issue Date: 03/08/2005  
Confirmation Number: 7581

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 876347636 US (Express Mail Label Number)	December 27, 2007 (Date of Deposit)
Tom O'Brien (Printed Name)	
 (Signature)	

**PETITION UNDER 37 C.F.R. § 1.182**  
**REQUESTING ENTRY OF CORRECTED TERMINAL DISCLAIMER**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Petition is being submitted pursuant to 37 C.F.R. § 1.182 as it is a question not specifically provided for in the regulations. Specifically, Patentees are respectfully requesting that the Director enter the enclosed corrected Terminal Disclaimers. Submitted together with this Petition is the petition fee as set forth in 37 C.F.R. § 1.17(f).

Ownership was recently corrected in the above-noted patent to reflect that the owner of the above-noted patent is **ROCHE PALO ALTO LLC**, successor in interest to **SYNTEX**

12/31/2007 SSSESHE1 00000008 6864258

01 FC:1462

400.00 OP

SVCA\_84151.1

**(U.S.A.) INC.**<sup>1</sup> Inventor, Andrew A. WOLFF, was obligated to have assigned his rights to **SYNTEX (U.S.A.) INC.** rather than **CV THERAPEUTICS, INC.**

During prosecution of the patent application that matured into the above-noted patent, a terminal disclaimer was filed indicating that **CV THERAPEUTICS, INC.** was the 100% of the entire right, title, and interest.<sup>2</sup> The current assignee does not match the assignee on the terminal disclaimer filed during prosecution. As such, Patentees are respectfully requesting that the Director enter the enclosed corrected Terminal Disclaimers which indicate **ROCHE PALO ALTO LLC** as the 100% owner of the entire right, title, and interest as shown in the corrected chain of title.

In addition to the corrected Terminal Disclaimers, petition fee, and exhibits, the following documents are also enclosed:

1. Power of Attorney and Correspondence Indication Form
2. Statement under 37 CFR 3.73(b)

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

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<sup>1</sup> The assignment from Andrew A. Wolff to Syntex (U.S.A.) Inc. was recorded on November 1, 2007 at reel/frame 020119/0970 and the assignment from Syntex (U.S.A.) Inc. was recorded on November 1, 2007 at reel/frame 020056/0107. Both assignments are included as Exhibit A.

<sup>2</sup> The terminal disclaimers were submitted over U.S. Patent 6,303,607, U.S. Patent 6,479,496, U.S. Patent 6,525,057 and U.S. Patent 6,620,814. Copies of the terminal disclaimers filed on June 22, 2004 are included herein as Exhibit B. Ownership was also corrected in U.S. Patent 6,303,607, U.S. Patent 6,479,496, U.S. Patent 6,525,057 and U.S. Patent 6,620,814 to show that Roche Palo Alto LLC is the correct owner. The recordation information is discussed in the previous footnote.

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 27, 2007

By Lorna L. Tanner

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 251-1104  
Facsimile: (650) 856-3710

Lorna L. Tanner  
Attorney for Patentee  
Registration No. 50,782

DEC 27 2007  
U.S. PATENT & TRADEMARK OFFICE

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**TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
045710-0139

In re Application of: Andrew A. WOLFF et al.

Application No.: 10/614,460

Filed: 07/07/2003

For: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

The owner\*, Roche Palo Alto LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,620,814 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

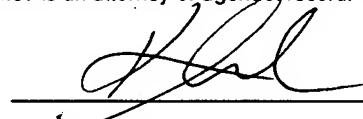
expires for failure to pay a maintenance fee;  
is held unenforceable;  
is found invalid by a court of competent jurisdiction;  
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;  
has all claims canceled by a reexamination certificate;  
is reissued; or  
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_



---

Signature

---

Date

---

Kevin A. Marks

Typed or printed name

---

650.855.5100  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)  
045710-0139

In re Application of: Andrew A. WOLFF et al.

Application No.: 10/614,460

Filed: 07/07/2003

For: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

The owner\*, Roche Palo Alto LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,303,607 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

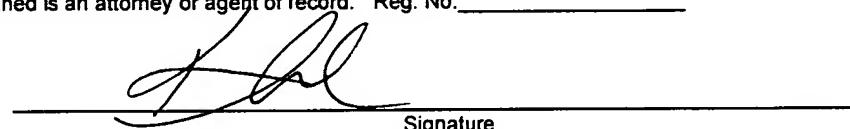
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_



Signature



Date

Kevin A. Marks  
Typed or printed name

650.855.5100  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)  
045710-0139

In re Application of: Andrew A. WOLFF et al.

Application No.: 10/614,460

Filed: 07/07/2003

For: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

The owner\*, Roche Palo Alto LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,479,496 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

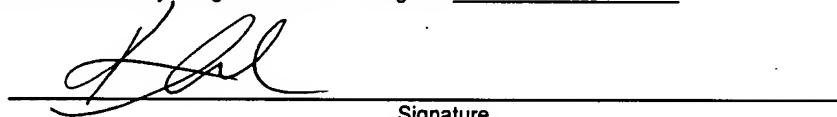
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

12/26/07  
Signature Date

Kevin A. Marks  
Typed or printed name

650.855.5100  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)  
045710-0139

In re Application of: Andrew A. WOLFF et al.

Application No.: 10/614,460

Filed: 07/07/2003

For: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

The owner\*, Roche Palo Alto LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,525,057 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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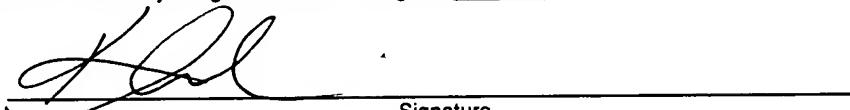
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_



Signature

12/20/07

Date

Kevin A. Marks  
Typed or printed name650.855.5100  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/614,460
Filing Date	07/07/2003
First Named Inventor	Andrew A. Wolff
Title	Sustained Release Ranolazine Formulations
Art Unit	
Examiner Name	
Attorney Docket Number	045710-0139

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

Practitioners associated with the Customer Number: 38706

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number: 38706

OR

Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

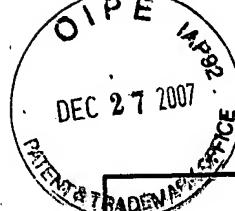
**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	
Name	Kevin A. Marks	Telephone	1.650 855.5100
Title and Company	Roche Palo Alto LLC		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner:	Andrew A. WOLFF		
Application No.:	10/614,460	Filed:	07/07/2003
Patent No.:	6,864,258	Issue Date:	03/08/2005
Docket Number:	045710-0139		
Entitled:	Sustained Release Ranolazine Formulations		
Roche Palo Alto LLC	Corporation		
(Name of Assignee)	(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)		

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Andrew A. Wolff To: Syntex (U.S.A.) Inc.  
for which a copy thereof is attached.

2. From: John Richard Langridge and Fiona Baker To: Syntex (U.S.A.) Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 012449, Frame 0816 and Reel 013114, Frame 0734.

3. From: Syntex (U.S.A.) Inc. To: Roche Palo Alto LLC  
for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Kevin A. Marks

Vice President & General Counsel

Date

Telephone no. (650) 855-5050

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# EXHIBIT A

TO: LORNA L. TANNER COMPANY: 1530 PAGE MILL ROAD



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOVEMBER 16, 2007

\*500399829A\*

PTAS

LORNA L. TANNER  
1530 PAGE MILL ROAD  
PALO ALTO, CA 94304UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 11/01/2007

REEL/FRAME: 020119/0970  
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 045710-0130

## ASSIGNOR:

WOLFF, ANDREW A.

DOC DATE: 10/10/2007

## ASSIGNEE:

SYNTEX (U.S.A.) INC.  
3431 HILLVIEW AVENUE  
PALO ALTO, CALIFORNIA 94304

SERIAL NUMBER: 09321522

FILING DATE: 05/27/1999

PATENT NUMBER: 6303607

ISSUE DATE: 10/16/2001

TITLE: METHOD FOR ADMINISTERING A SUSTAINED RELEASE RANOLANOLAZINE FORMULATION

SERIAL NUMBER: 09520932

FILING DATE: 03/08/2000

PATENT NUMBER: 6479496

ISSUE DATE: 11/12/2002

TITLE: METHODS FOR TREATING ANGINA WITH RANOLAZINE

TO: LORNA L. TANNER COMPANY: 130 PAGE MILL ROAD

020119/0970 PAGE 2

SERIAL NUMBER: 10254707 FILING DATE: 09/25/2002  
PATENT NUMBER: 6562826 ISSUE DATE: 05/13/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10382266 FILING DATE: 03/05/2003  
PATENT NUMBER: 6852724 ISSUE DATE: 02/08/2005  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 09538337 FILING DATE: 03/29/2000  
PATENT NUMBER: 6369062 ISSUE DATE: 04/09/2002  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10041521 FILING DATE: 10/19/2001  
PATENT NUMBER: 6503911 ISSUE DATE: 01/07/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10259143 FILING DATE: 09/27/2002  
PATENT NUMBER: 6617328 ISSUE DATE: 09/09/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 09925871 FILING DATE: 08/09/2001  
PATENT NUMBER: 6525057 ISSUE DATE: 02/25/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10256993 FILING DATE: 09/27/2002  
PATENT NUMBER: 6620814 ISSUE DATE: 09/16/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10614460 FILING DATE: 07/07/2003  
PATENT NUMBER: 6864258 ISSUE DATE: 03/08/2005  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

TO: LORNA L. TANNER COMPANY: 1530 PAGE MILL ROAD

## PATENT ASSIGNMENT

Electronic Version v1.1  
Stylesheet Version v1.111/01/2007  
500399829

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

## CONVEYING PARTY DATA

Name	Execution Date
Andrew A. Wolff	10/10/2007

## RECEIVING PARTY DATA

Name:	Syntex (U.S.A.) Inc.
Street Address:	3431 Hillview Avenue
City:	Palo Alto
State/Country:	CALIFORNIA
Postal Code:	94304

## PROPERTY NUMBERS Total: 10

Property Type	Number
Patent Number:	6303607
Patent Number:	6479496
Patent Number:	6562826
Patent Number:	6852724
Patent Number:	6369062
Patent Number:	6503911
Patent Number:	6617328
Patent Number:	6525057
Patent Number:	6620814
Patent Number:	6864258

## CORRESPONDENCE DATA

Fax Number: (650)856-3710

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 650/251-1104

Email: scastillo@foley.com

OP \$400.00 6303607

TO: LORNA L. TANNER COMPANY. 1530 PAGE MILL ROAD

Correspondent Name:	Lorna L. Tanner
Address Line 1:	1530 Page Mill Road
Address Line 4:	Palo Alto, CALIFORNIA 94304

ATTORNEY DOCKET NUMBER:	045710-0130
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NAME OF SUBMITTER:	Lorna L. Tanner
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Total Attachments: 5

source=Assignment\_Wolff\_Syntex#page1.tif  
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source=Assignment\_Wolff\_Syntex#page3.tif  
source=Assignment\_Wolff\_Syntex#page4.tif  
source=Assignment\_Wolff\_Syntex#page5.tif

## PATENT ASSIGNMENT

WHEREAS Syntex (U.S.A.) Inc., of 3431 Hillview Avenue, Palo Alto, CA 94304, (hereinafter "Assignor") is the owner by virtue of assignment by John Langridge and Fiona Baker (named inventors), of the following United States Letters Patents, and the inventions set forth therein, as shown by the records of the United States Patent and Trademark Office:

U.S. PATENT NO.	GRANT DATE	TITLE
6,369,062	Apr. 9, 2002	Sustained Release Ranolazine Formulations
6,503,911	Jan. 7, 2003	Sustained Release Ranolazine Formulations
6,617,328	Sep. 9, 2003	Sustained Release Ranolazine Formulations
6,620,814	Sep. 16, 2003	Sustained Release Ranolazine Formulations

WHEREAS Assignor is also the owner by virtue of assignment from Andrew A. Wolff, (a named inventor), of the following United States Letters Patents, and the inventions set forth therein:

U.S. PATENT NO.	GRANT DATE	TITLE
6,303,607	Oct. 16, 2001	Method for Administering a Sustained Release Ranolazine Formulation
6,479,496	Nov. 12, 2002	Methods for Treating Angina with Ranolazine
6,562,826	May 13, 2003	Sustained Release Ranolazine Formulations
6,852,724	Feb. 8, 2005	Sustained Release Ranolazine Formulations
6,369,062	Apr. 9, 2002	Sustained Release Ranolazine Formulations
6,503,911	Jan. 7, 2003	Sustained Release Ranolazine Formulations
6,617,328	Sep. 9, 2003	Sustained Release Ranolazine Formulations
6,525,057	Feb. 25, 2003	Sustained Release Ranolazine Formulations
6,620,814	Sep. 16, 2003	Sustained Release Ranolazine Formulations
6,864,258	Mar. 8, 2005	Sustained Release Ranolazine Formulations

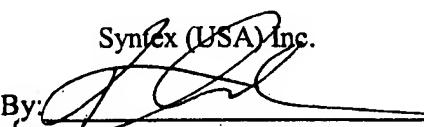
WHEREAS Roche Palo Alto LLC, 3431 Hillview Avenue, Palo Alto, CA 94304, (hereinafter referred to singly and collectively as "Assignee") is desirous of acquiring the full right, title and interest in and to said inventions for the United States of America, and in and to said United States Letters Patents;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Assignor, Assignor has sold, assigned, transferred and set over, and by these presents hereby sells, assigns, transfers and sets over to Assignee the entire and exclusive right, title and interest in and to said inventions for the United States of America, and in and to said Letters Patents listed above, including any and all priority applications, divisional, continuation, continuation-in-part, reissues or extensions thereof, to be held and enjoyed by Assignee for its own use as fully and entirely as the same would have been held and enjoyed by Assignor had this assignment not been made; the Commissioner of Patents and Trademarks of the United States of America is hereby authorized to transfer the portion of the title indicated to said application to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the Assignor, but

also that such assigned rights are not encumbered by any grant, license, or other right theretofore given except as provided for in a license agreement between Assignee, the licensor, and CV Therapeutics, Inc., the licensee that relates to ranolazine; Assignor hereby undertakes to execute and deliver to Assignee upon request all lawful documents which may be requested by Assignee, and to furnish Assignee with all facts relating to said invention as may be requested.

The undersigned hereby grant the firm of FOLEY & LARDNER LLP, the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

Date: 10/23/07

Syntex (USA) Inc.  
By:   
Name: Kevin A. Marks, Esq.  
Title: Vice President and General Counsel

State of California

County of Santa Clara

On this 23rd day of October, 2007, before me, a notary public in and for said county, appeared the above named person, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



Ethel Kelly

Notary Public

My Commission Expires: 12/03/2007

TO: LORNA L. TANNER COMPANY: 1530 PAGE MILL ROAD

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOVEMBER 02, 2007

\*500389448A\*

PTAS

LORNA L. TANNER  
1530 PAGE MILL ROAD  
PALO ALTO, CA 94304UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 11/01/2007

REEL/FRAME: 020056/0107  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 045710-0130

## ASSIGNOR:

SYNTEX (U.S.A.) INC.

DOC DATE: 10/23/2007

## ASSIGNEE:

ROCHE PALO ALTO LLC  
3431 HILLVIEW AVENUE  
PALO ALTO, CALIFORNIA 94304

SERIAL NUMBER: 09321522 FILING DATE: 05/27/1999  
PATENT NUMBER: 6303607 ISSUE DATE: 10/16/2001  
TITLE: METHOD FOR ADMINISTERING A SUSTAINED RELEASE RANOLANOLAZINE FORMULATION

SERIAL NUMBER: 09520932 FILING DATE: 03/08/2000  
PATENT NUMBER: 6479496 ISSUE DATE: 11/12/2002  
TITLE: METHODS FOR TREATING ANGINA WITH RANOLAZINE

TO:LORNA L. TANNER COMPANY:1530 PAGE MILL ROAD

020056/0107 PAGE 2

SERIAL NUMBER: 10254707 FILING DATE: 09/25/2002  
PATENT NUMBER: 6562826 ISSUE DATE: 05/13/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10382266 FILING DATE: 03/05/2003  
PATENT NUMBER: 6852724 ISSUE DATE: 02/08/2005  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 09538337 FILING DATE: 03/29/2000  
PATENT NUMBER: 6369062 ISSUE DATE: 04/09/2002  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10041521 FILING DATE: 10/19/2001  
PATENT NUMBER: 6503911 ISSUE DATE: 01/07/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10259143 FILING DATE: 09/27/2002  
PATENT NUMBER: 6617328 ISSUE DATE: 09/09/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 09925871 FILING DATE: 08/09/2001  
PATENT NUMBER: 6525057 ISSUE DATE: 02/25/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10256993 FILING DATE: 09/27/2002  
PATENT NUMBER: 6620814 ISSUE DATE: 09/16/2003  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

SERIAL NUMBER: 10614460 FILING DATE: 07/07/2003  
PATENT NUMBER: 6864258 ISSUE DATE: 03/08/2005  
TITLE: SUSTAINED RELEASE RANOLAZINE FORMULATIONS

ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

TO: LORNA L. TANNER COMPANY: 1530 PAGE MILL ROAD

## PATENT ASSIGNMENT

Electronic Version v1.1  
Stylesheet Version v1.111/01/2007  
500389448

SUBMISSION TYPE: NEW ASSIGNMENT

NATURE OF CONVEYANCE: ASSIGNMENT

## CONVEYING PARTY DATA

Name	Execution Date
Syntex (U.S.A.) Inc.	10/23/2007

## RECEIVING PARTY DATA

Name:	Roche Palo Alto LLC
Street Address:	3431 Hillview Avenue
City:	Palo Alto
State/Country:	CALIFORNIA
Postal Code:	94304

## PROPERTY NUMBERS Total: 10

Property Type	Number
Patent Number:	6303607
Patent Number:	6479496
Patent Number:	6562826
Patent Number:	6852724
Patent Number:	6369062
Patent Number:	6503911
Patent Number:	6617328
Patent Number:	6525057
Patent Number:	6620814
Patent Number:	6864258

## CORRESPONDENCE DATA

Fax Number: (650)856-3710

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 650/251-1104

Email: scastillo@foley.com

OP \$400.00 6303607

TO:LORNA L. TANNER COMPANY:1530 PAGE MILL ROAD

Correspondent Name:	Lorna L. Tanner
Address Line 1:	1530 Page Mill Road
Address Line 4:	Palo Alto, CALIFORNIA 94304
ATTORNEY DOCKET NUMBER:	045710-0130
NAME OF SUBMITTER:	Lorna L. Tanner
<b>Total Attachments: 4</b> source=Assignment_Syntax_Roche#page1.tif source=Assignment_Syntax_Roche#page2.tif source=Assignment_Syntax_Roche#page3.tif source=Assignment_Syntax_Roche#page4.tif	

## ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned inventor, Andrew A. Wolff, (hereinafter referred to as "ASSIGNOR") has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto

Syntex (U.S.A.) Inc.  
3431 Hillview Avenue  
Palo Alto, CA 94304

(hereinafter referred to as "ASSIGNEE") its successors and assigns, the full and exclusive right, title and interest for the United States, its territories and possessions, and all foreign countries in and to this invention relating to the Letters Patents listed below:

U.S. PATENT NO.	GRANT DATE	TITLE
6,303,607	Oct. 16, 2001	Method for Administering a Sustained Release Ranolazine Formulation
6,479,496	Nov. 12, 2002	Methods for Treating Angina with Ranolazine
6,562,826	May 13, 2003	Sustained Release Ranolazine Formulations
6,852,724	Feb. 8, 2005	Sustained Release Ranolazine Formulations
6,369,062	Apr. 9, 2002	Sustained Release Ranolazine Formulations
6,503,911	Jan. 7, 2003	Sustained Release Ranolazine Formulations
6,617,328	Sep. 9, 2003	Sustained Release Ranolazine Formulations
6,525,057	Feb. 25, 2003	Sustained Release Ranolazine Formulations
6,620,814	Sep. 16, 2003	Sustained Release Ranolazine Formulations
6,864,258	Mar. 8, 2005	Sustained Release Ranolazine Formulations

as well as in and to (a) all improvements and modifications of the above-identified invention or inventions, (b) the above-identified Letters Patents and all other applications for Letters Patent of the United States and countries foreign thereto for above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all priority applications, divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES ASSIGNEE to file patent applications in any or all countries on the above-identified invention or inventions in the name of the undersigned or in the name of ASSIGNEE or otherwise as ASSIGNEE may deem advisable under the International Convention or otherwise.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representative or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, and declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein.

ASSIGNOR acknowledges that ASSIGNOR had previously assigned his rights in the above-listed Letters Patents to CV Therapeutics, Inc. but has been informed by CV Therapeutics, Inc.'s counsel that such assignments were inconsistent with ASSIGNOR's prior obligations to ASSIGNEE.

ASSIGNOR HEREBY GRANTS to the law firm of Foley & Lardner LLP the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of Foley & Lardner LLP do not personally represent ASSIGNOR OR ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

Executed this 10<sup>th</sup> day of October, 2007.

Andrew G. Wolff

ANDREW A. WOLFF

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, a notary public in and for said county, appeared INVENTOR\_FULL\_NAME, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

**Notary Public**

**My Commission Expires:**

(Seal)

Please See attached  
Loose ALL-PURPOSE ACKNOWLEDGMENT  
Form.

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN MATEO

} ss.

On 10/10/07 before me,

Date

KERRY PRESCOTT, NOTARY PUBLIC

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared ANDREW A. WOLFF

Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kerry Prescott  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMPRINT  
OF SIGNER

Top of thumb here

Signer Is Representing: \_\_\_\_\_

# **EXHIBIT B**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING**  
**REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

98-164-A24

In re Application of: Wolff

Application No.: 10/614,460

Filed: July 7, 2003

For: Sustained Release Ranolazine Formulations

The owner\*, C.V. Therapeutics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,303,607. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found Invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

Louis G. Lange

6/22/04

Signature

Date

Louis G. Lange

Typed or printed name

(650) 384-8501

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

98-164-A24

In re Application of: Wolff

Application No.: 10/614,460

Filed: July 7, 2003

For: Sustained Release Ranolazine Formulations

The owner\*, C.V. Therapeutics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,479,496. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

Louis G. Lange 6/22/04  
Signature Date  
Louis G. Lange  
Typed or printed name  
(650) 384-8501  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

*Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.*

<b>TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING</b>		Docket Number (Optional)
<b>REJECTION OVER A PRIOR PATENT</b>		98-164-424

In re Application of: Wolf

Application No.: 10814,460

Filed: July 7, 2003

For: Sustained Release Ranolazine Formulations

The owner, C.V. Therapeutics, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,523,037. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it fails to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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2.  The undersigned is an attorney or agent of record.

6/22/04

Signature	Date
<u>Louis G. Lange</u>	
Typed or printed name	
(503) 354-8501	
Telephone Number	

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TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENTDocket Number (Optional)  
98-164-A24

In re Application of: Wolff

Application No.: 10/614,460

Filed: July 7, 2003

For: Sustained Release Ranolazine Formulations

The owner\*, C.V. Therapeutics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 8,620,814. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2.  The undersigned is an attorney or agent of record.

L. Lange

6/22/04

Signature

Date

Louis G. Lange

Typed or printed name

(650) 384-8501

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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